

ORIGINAL

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 25 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Guidelines for Evaluating the)
Environmental Effects of)
Radiofrequency Radiation)

ET Docket No. 93-62

To: The Commission

**REPLY COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

By: 

Alan R. Shark, President
1150 18th Street, N.W., Ste. 250
Washington, D.C. 20036
(202) 331-7773

Of Counsel:

Elizabeth R. Sachs, Esq.
Lukas, McGowan, Nace & Gutierrez
1819 H Street, N.W., Ste. 700
Washington, D.C. 20006
(202) 857-3500

April 25, 1994

No. of Copies rec'd
List ABCDE

048

RECEIVED

APR 25 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Guidelines for Evaluating the
Environmental Effects of
Radiofrequency Radiation

)
)
)
)
)

ET Docket No. 93-62

To: The Commission

**REPLY COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

The American Mobile Telecommunications Association, Inc. ("AMTA" or the "Association"), pursuant to Section 1.415 of the Federal Communications Commission's ("FCC" or the "Commission") Rules (47 C.F.R. § 1.415) respectfully submits its Reply Comments in the above-captioned proceeding. AMTA supports the Commission's proposal to modify its Rules to reflect the ANSI/IEEE C95.1-1992 standard, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields" (hereinafter referred to as the "ANSI Standard" or "1992 Standard"). Specifically, AMTA supports positions offered in Comments filed by Motorola and the Telecommunications Industry Association ("TIA") with respect to regulation of equipment used in controlled and uncontrolled environments, and the continued categorical exclusion of land mobile radio equipment from routine environmental evaluation, consistent with the reply comments detailed below.

I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interest of the private carrier industry. The Association represents a variety of private land mobile

licensees engaged in the provision of a broad range of primarily mobile voice and data services to eligible customers. AMTA's members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio ("SMR") operators, wide-area SMR licensees offering both analog and digital service, and 220-222 MHz commercial licensees.

SMR and its offspring, Enhanced SMR ("ESMR"), are a growing segment of the exploding wireless communications industry. As providers of both traditional dispatch and wide-area, interconnected mobile radio services to a rapidly-growing nationwide customer base, AMTA's members will be significantly impacted by the Commission's decisions concerning standards for RF emissions. For these reasons, AMTA has a profound interest in the outcome of this proceeding.

II. ADOPTION OF THE ANSI STANDARD

AMTA strongly supports the Commission's proposed adoption of the ANSI Standard. As stated in Motorola's Comments in this proceeding, the 1992 Standard was developed by a large group of scientists, engineers and physicians representing government, academic and industrial interests. The resulting standard, updated from the 1982 version, is scientifically sound and will admirably protect the health and safety of millions of communications service customers. See Motorola Comments at 1-2.

III. "CONTROLLED" VS. "UNCONTROLLED" ENVIRONMENTS

AMTA also concurs with TIA's description of the different characteristics of users, services and operations regulated under Part 90 and Part 22 of the Commission's Rules. See TIA Comments at 3-4. Under the FCC's current regulatory scheme, Part 90 users

are generally adults, using equipment characterized as "radios" in a workplace environment, often as part of "fleet" operations. Communications are generally shorter in duration and often involve a central dispatcher; users often have radio training and are generally more aware of the nature of their equipment. AMTA agrees with both TIA and Motorola that wireless communications equipment used for these kinds of communications, including traditional SMR and most services regulated under Parts 90, 94 and 95, as well as appropriate portions of Parts 21, 74 and 80, should be regulated under the "controlled" environment standard. See Motorola Comments at 8-9; TIA Comments at 8.

The ANSI standard places tighter RF emission restrictions on equipment used in an "uncontrolled" environment, such as by the general public. AMTA concurs with both TIA and Motorola that Part 22-governed services, such as cellular service, should be encompassed within the ANSI standard for an "uncontrolled" environment. See Id.

Cellular users can include any member of the public, speaking directly to any other interconnected member of the public for an unlimited length of time. A cellular mobile unit is generally referred to as a "telephone", and subscribers make use of equipment as they would a standard wireline telephone instrument. It is far less likely that Part 22 users would be aware of the technical aspects of their equipment and the fact that it does emit RF energy. See Motorola Comments at 7; TIA Comments at 7. The nature of Part 22 users, services and operations places them more appropriately within the ambit of the ANSI "uncontrolled" environment criteria. For the same reason, AMTA concurs that future Part 99 services be likewise regulated. See Motorola Comments at

8; TIA Comments at 8.

AMTA further agrees with TIA and Motorola that the portability of wireless communications equipment should not determine restrictions on its RF emissions. See TIA Comments at 8; Motorola Comments at 8-9. As effectively argued by TIA and Motorola, and outlined above, most portable mobile radio equipment used for Part 90 services is operated under conditions more appropriately regulated under "controlled" environment criteria.

Instead, and in keeping with the differing characteristics of users and operations listed in TIA's Comments, AMTA urges the Commission to regulate portable devices based on their design and proposed use. Where a "telephone-like" instrument such as that defined by Motorola (see Motorola Comments at 8-9) is designed for use by individuals for interconnected communications similar to cellular service, AMTA concurs that "uncontrolled" RF standards are appropriate. However, hand-held devices designed for a workplace environment such as "fleet" operations are best encompassed within "controlled" environment standards. Users of this equipment would be "aware of the potential for exposure as a concomitant of employment" (see Notice of Proposed Rulemaking, ET Docket 93-62, n. 16), and thus similar to users of traditional Part 90-governed equipment.

IV. CONTINUATION OF CATEGORICAL EXCLUSIONS

AMTA concurs with commenters supporting the continued categorical exclusion of land mobile equipment from routine environmental evaluation. See, e.g., TIA Comments at 18-24; Motorola Comments at 14-20. The land mobile industry has a long

history of providing vital communications to millions of people without any credible evidence of harm due to radiofrequency energy exposure. This was true in 1987, when the FCC first excluded land mobile equipment from environmental processing (see Second Report and Order, Gen. Docket No. 79-144, 2 FCC Rcd 2064 (1987)), and remains true seven years later.

As noted by at least one commenter, both the Commission and its licensees have benefited from exclusion provisions. See Motorola Comments at 14. Both have been relieved of the burden of unnecessary paperwork and the resulting strain on scarce government resources. Further, the Commission has sent a positive message to the growing number of land mobile service end users regarding the safety of their equipment when used in accordance with manufacturers' recommendations. There is every reason to continue this assurance.

In many areas, the 1992 Standard does not differ appreciably from the 1982 Standard with regard to land mobile facilities. Where restrictions on RF emissions are more stringent, as in permissible power levels for portable equipment, AMTA supports Motorola's suggestion that the 1992 Standard be enforced as part of the Commission's equipment authorization process. See Motorola Comments at 19-20. Such a safeguard will doubly reassure the Commission, licensees and the public of equipment safety with regard to RF energy. On this basis, AMTA concurs that the FCC should continue the same categorical exclusions for land mobile services as initiated in 1987, and extend an exclusion to new Part 99 facilities.

V. CONCLUSION

The 1992 ANSI Standard is a sound, scientifically-derived means of protecting the public from any harmful effects of RF energy. For the foregoing reasons, and in accordance with the above Reply Comments, AMTA supports positions put forth by Motorola and TIA in the above-captioned proceeding and urges the Commission to adopt the ANSI Standard.